

Awakening from “Sleeping Beauty’s” Slumber

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Since the COVID-19 pandemic, the already fragile situation of vulnerable groups is in a downward spiral. The infringements of the human rights of vulnerable groups stirred by the current crisis are without a doubt manifold and may be addressed via established human rights such as the right to life or health. However, what has been mostly neglected by states until recently is that scientific knowledge and its applications – in short, the right to science – are human rights. The right to science represents a universal human rights provision tucked away at the very end of the International Covenant on Economic, Social and Cultural Rights ([ICESCR](#)) and the Universal Declaration of Human Rights ([UDHR](#)). Therefore, this contribution will argue that the right to science is the ultimate normative tool to limit the spread of COVID-19 and overcome the inequalities concerning vulnerable groups.

Human Rights of Vulnerable Groups in a Downward Spiral

Persons living in poverty, migrants, indigenous peoples, and other vulnerable groups are particularly affected by the outbreak of the COVID-19 pandemic. The pandemic exacerbated discrimination, inequalities, and the power dynamics between the Global North and South. As a consequence, the current crisis triggers severe infringements of the human rights of vulnerable groups. Persons living in poverty cannot afford to stay at home. Otherwise, they would be at risk of losing their income. Undocumented migrants are at risk of being left out in the national pandemic response plans due to their legal status. Indigenous peoples in remote regions lack even the simplest means to combat the virus, let alone the possibility to get access to intensive care units. The divide between the Global North and South has become even more significant since the outbreak of COVID-19, as can be observed in the [race for vaccines](#): While high-income countries hedge their bets to secure doses through bilateral deals, middle-income countries try to get a grasp of vaccines by offering clinical testing grounds or manufacturing capacities. However, low-income countries that lack the latter possibilities are entirely left out of the equation. Now the question arises how this downward spiral can be stopped. This is the point where the right to science enters the stage.

The Right to Science – a “Sleeping Beauty”

The right to science is slowly awakening from its [“sleeping beauty”](#) slumber. Although the right to science might seem like a new human rights provision, it constitutes an international obligation dating back to the 1940s. As stated in Article 27 UDHR, “everyone has the right to share in scientific advancement and its benefits”. Moreover, the legally binding provision of Article 15 (1)(b) ICESCR proclaims that “everyone has the right to enjoy the benefits of scientific progress and its applications”. In a nutshell, the right to science obliges states to conserve,

develop and diffuse science, respect the freedom indispensable for scientific research, and encourage and develop international contacts and cooperation in the scientific field (Articles 15 (2 – 4) ICESCR).

The reasons why the right to science is a long-forgotten human right are manifold. The main reason lies in the fact that the drafters of the Covenant placed the right to science amongst cultural rights, which have been greatly neglected by scholars and practitioners alike. However, public interest in science is steadily growing. Owed to the outbreak of COVID-19, science and scientists are, now more than ever, in the spotlight. Along with this goes a shift in their status and role in policy-making. While it can be observed that countries that take a [science-based approach](#) to combat the spread of COVID-19, such as New Zealand, are very successful in limiting the outbreak, other governments still ignore or even oppress scientists and science for political gains and power play. In the following, three selected aspects of the right to science that aim at limiting the spread of COVID-19 and alleviate the situation of vulnerable groups shall be addressed: equal access to scientific progress and its applications, cooperation in the scientific field, and policies based on scientific evidence.

Equal Access to Scientific Progress and Its Applications

Everyone has the right to equal access to scientific progress and its applications, which includes, among other things, vaccines. This also means that vaccines need to be available and affordable, especially for people living in poverty and indigenous peoples living in remote locations ([General Comment No. 25, para. 47](#)). Moreover, it is argued here that migrants also possess a right to equal access to vaccines as they are generally overlooked in national pandemic response plans.

Cooperation in the Scientific Field

The right to science requires states to cooperate in the scientific field (Article 15 (4) ICESCR). Cooperation comprises international assistance, especially economic and technical, to realize the Covenant's rights (Article 2 ICESCR; Articles 22 and 28 UDHR; Articles 55 and 56 of the UN Charter). The UN Committee on Economic, Social and Cultural Rights (CESCR) emphasizes the need for cooperation, especially concerning transnational threats such as pandemics:

“If a pandemic develops, sharing the best scientific knowledge and its applications, especially in the medical field, becomes crucial to mitigate the impact of the disease and to expedite the discovery of effective treatments and vaccines.” ([General Comment No. 25, para. 82](#))

The fight against COVID-19 cannot be won by the hedge-betting of each nation-state. Instead, states must encourage and develop cooperation and therefore work together to ensure an equal distribution of vaccines, especially between the Global North and South. For instance, [COVAX](#) is a ground-breaking global collaboration led by the WHO, Gavi, and the Coalition for Epidemic Preparedness Innovations (CEPI). COVAX aims at guaranteeing fair and equitable access to vaccines for every country in the world, especially with a view to low-income countries. To this date,

almost all countries have joined COVAX, and high- and middle-income countries have generally committed to secure funding (see [Interactive COVAX Map](#)). This collaboration is crucial and represents a first step in the right direction.

Policies Based on Scientific Evidence

States ought to adopt policies based on the best available, generally accepted scientific evidence ([General Comment No. 25, para 52](#)). This also means that governments and their respective political leaders must not spread [misinformation](#) such as that the injection of disinfectants like bleach or isopropyl alcohol would combat COVID-19. As Nobel laureate [Richard Roberts](#) states, we need more science in politics and less politics in science. Political leaders must acknowledge that scientific evidence can serve as a lighthouse that helps governments to navigate the way out of the current crisis. Fortunately, more and more governments implement national science task forces that support and advise governments on adopting measures to combat the spread of the COVID-19.

Science Shows the Way Forward

While the COVID-19 pandemic still causes great suffering, confusion, and disagreement, especially when it comes to the competing rights and values at stake, referring to science as a human right of everyone is a gamechanger. The right to science as a human right puts the people in the center and focuses on those who suffer the most.

Since last year, science and scientists are now more than ever in the spotlight. At the same time, the CESCR finally blew off the dust of a long-forgotten but yet fundamental human right. The adoption of [General Comment No. 25](#) in April 2020 symbolizes a significant shift and boost for the right to science. Not only does the CESCR emphasize that vulnerable groups must receive special protection ([GC No. 25, para. 28 et sq.](#)) and that international cooperation is crucial to fight pandemics ([GC No. 25, para. 82](#)). The CESCR also highlights that the right to science is indeed a justiciable and, therefore, enforceable right ([GC No. 25, para. 89](#)).

Now it is up to the states to fully realize the right to science (Article 2 (1) ICESCR). Thereby, states need to offer special protection, particularly to vulnerable groups who suffer the most due to the COVID-19 outbreak. What is urgently needed to enforce the right to science is to increase the review of implementation. The [Optional Protocol](#) to the ICESCR is an essential pre-requisite for individuals to submit communications to the CESCR. So far, [only 26 of the 171 State Parties](#) to the Covenant have signed and ratified the Optional Protocol. Therefore, the ratification of the Optional Protocol needs to be accelerated. As the [UN Secretary-General](#) outlined, this public health crisis quickly turned into a social and economic crisis and ultimately into a human rights crisis. The right to science constitutes a crucial normative tool to navigate the COVID-19 crisis, especially where other human rights fall short. Finally, the examples shown are just three out of many aspects of the right to science that can limit the COVID-19 outbreak and overcome the inequalities concerning vulnerable groups.

